IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION ST.NO.23050 OF 2004
IN
WRIT PETITION NO.3035 OF 1992

Smt.Shahnaz Hassan Sanade. ..Applicant.

V/s.

Shri Shivaji Education Society & Ors. ..Respondents.

Mr.I.S.Thakur with Rathore Sunilkumar for applicant.

Mr.R.R.Bhosale for respondent No.1.

Mr.S.A.Ingawale for respondent No.2.

CORAM: A.M.KHANWILKAR,J
DATE : DECEMBER 9, 2005.

P.C. :

1. This review petition takes exception to the order passed on 5th October, 2002 in Writ Petition No.3035 of 1992. Admittedly, the said order was passed without hearing the respondent-applicant herein.

2. The case of the applicant is that the matter went by default because the advocate on record appointed by the applicant was unable to attend the court on account of the fact that he met with an accident during the relevant period. There is no reason to doubt the stand taken by the applicant. In other words, matter has proceeded exparte against the

applicant in absence of her advocate. For the mistake of the advocate, litigant should not suffer, for which reason, in the interest of justice, impugned order is recalled and writ petition No.3035 of 1992 is restored to the file, to be heard on its own merit in accordance with the law.

3. I am inclined to take recourse to this course as several questions have been raised by the applicant, which will have to be considered afresh. Accordingly, Review petition made absolute in terms of prayer clause (b).

4. Main Writ Petition No.3035 of 1992 be placed before the appropriate bench.